

AMENDED IN SENATE DECEMBER 18, 2008

CALIFORNIA LEGISLATURE—2009–10 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Evans

December 8, 2008

~~An act relating to the Budget Act of 2008.~~ *An act to amend Section 129880 of the Health and Safety Code, relating to hospital buildings.*

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as amended, Evans. ~~Budget Act of 2008.~~ *Office of Statewide Health Planning and Development: plan review.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2008.~~

Existing law establishes the Office of Statewide Health Planning and Development to oversee the construction of, or addition to, any hospital building or the reconstruction of, or the alteration of, any hospital building. The office is required to independently review and either approve or reject all plans.

Existing law provides an exception from the plan review process for construction or alteration projects for specified hospital buildings with estimated construction costs of \$50,000 or less where the plans have been stamped and signed by design professionals of record.

This bill would allow the office to exempt from the plan review process nonstructural construction or alteration projects with estimated construction costs less than \$500,000. The bill would also allow an exemption from the plan review process for construction or alteration projects for specified hospital buildings with construction costs of at least \$500,000 but less than \$1 million if the designs are independently peer reviewed by independent plan reviewers, as defined.

This bill would require the office to establish criteria for qualification of independent plan reviewers and peer review standards. The bill would place the liability for all risks arising out of the election to forgo the plan review process on the hospital owner, governing board, or operator, design professionals, and independent plan reviewers.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 1, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 1, 2008, pursuant to the California Constitution.

The bill would provide that it shall become operative only if Assembly Bill 2 of the 2009–10 First Extraordinary Session of the Legislature is chaptered.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
- 2 ~~changes relating to the Budget Act of 2008.~~
- 3 ~~SECTION 1. Section 129880 of the Health and Safety Code is~~
- 4 ~~amended to read:~~
- 5 129880. (a) The office may exempt from its plan review
- 6 process *nonstructural* construction or alteration projects for hospital
- 7 buildings and buildings described in paragraphs (2) and (3) of
- 8 subdivision (b) of Section 129725 with estimated construction
- 9 costs of ~~fifty thousand dollars (\$50,000)~~ or less *than five hundred*
- 10 *thousand dollars (\$500,000)*. The criteria for exemption shall
- 11 include, but not be limited to, plans that have been stamped and
- 12 signed by the design professionals of record.
- 13 (b) *The office may exempt from its plan review process*
- 14 *nonstructural construction or alteration projects for hospital*
- 15 *buildings and buildings described in paragraphs (2) and (3) of*
- 16 *subdivision (b) of Section 129725 that have estimated construction*
- 17 *costs of at least five hundred thousand dollars (\$500,000) but less*
- 18 *than one million dollars (\$1,000,000) if the designs for those*
- 19 *projects are independently peer reviewed by independent plan*

1 *reviewers. The independent plan reviewers shall certify to the*
2 *office that the plans are in full compliance with the California*
3 *Building Standards Code. This certification shall not diminish the*
4 *liability or responsibility of the independent plan reviewer.*

5 ~~(b)~~

6 (c) Projects that have been split into a series of smaller projects
7 in order to avoid the qualifying dollar limits shall not be approved.
8 The office shall maintain its construction observation mandate to
9 ensure public safety and California Building Standards Code
10 compliance for approved projects.

11 ~~(e)~~

12 (d) A presubmittal meeting between the office and the design
13 professionals shall be required for construction or alteration
14 projects for hospital buildings and buildings described in
15 paragraphs (2) and (3) of subdivision (b) of Section 129725 with
16 estimated construction costs of twenty million dollars
17 (\$20,000,000) or more.

18 ~~(e)~~

19 (e) The office may *issue policy letters and* adopt regulations for
20 this section to make specific the exemption criteria and processes
21 authorized pursuant to subdivision (a), and the complete plan
22 review process required pursuant to ~~subdivision (e)~~ *this section.*

23 (f) *For purposes of this section, “independent plan reviewer”*
24 *means a professional who has been preapproved by the office in*
25 *an appropriate discipline which may include, but is not limited to,*
26 *licensed architect, licensed structural engineer, licensed*
27 *mechanical engineer, certified accessibility specialist, or licensed*
28 *electrical engineer. The office shall develop criteria for the*
29 *qualification and approval of independent plan reviewers as well*
30 *as peer review standards. The hospital building owner shall retain*
31 *and compensate independent plan reviewers.*

32 (g) *The hospital owner, governing board, or operator, design*
33 *professionals, and independent plan reviewers shall bear liability*
34 *for all risks arising from the election to forgo plan review by the*
35 *office. The provisions of this section shall in no way diminish the*
36 *existing liability of the hospital, design professionals, or*
37 *independent plan reviewer.*

38 SEC. 2. This act addresses the fiscal emergency declared by
39 the Governor by proclamation on December 1, 2008, pursuant to

1 subdivision (f) of Section 10 of Article IV of the California
2 Constitution.

3 *SEC. 3. This act shall become operative only if Assembly Bill*
4 *2 of the 2009–10 First Extraordinary Session of the Legislature*
5 *is chaptered.*

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